

**CHARTER**

**OF THE**

**CITY OF**

**BROOKLYN, OHIO**

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## **PREAMBLE**

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We, the people of the City of Brooklyn, in the County of Cuyahoga and State of Ohio, in order that we may have the benefits of municipal home rule and exercise all powers of local self-government, do frame and adopt this Charter for the government of the City of Brooklyn.

**ARTICLE I.****NAME AND BOUNDARIES**

The municipal corporation now existing as the Village of Brooklyn shall continue to be a body politic and corporate under the name of the City of Brooklyn and with the same boundaries, with authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of Ohio; but no territory shall be detached therefrom, nor shall the city be annexed to any other municipality, without the consent of the Council and a majority of the electors voting on such questions.

**ARTICLE II.****POWERS**

The City of Brooklyn shall have all powers of local self-government now or hereafter granted to municipalities by the Constitution and laws of Ohio, and such further powers as may now or hereafter be granted by the laws of Ohio; and all such powers shall be exercised in the manner prescribed by this Charter or by ordinance of the Council created hereby.

**ARTICLE III.****COUNCIL****Section 1. Composition and Term.**

The Council shall consist of seven members, elected at large for a term of four years beginning on the first day of January next following their election; except that the seven members elected at the regular municipal election in November 1951, the three receiving the highest number of votes shall each serve for four years and the remaining four shall each serve for two years.

**Section 2. Qualifications.**

Each candidate for election to Council, or any person appointed to fill a vacancy on Council, shall have been for at least three (3) consecutive years immediately prior to his election, and during his term of office shall continue to be, a resident of the municipality and a qualified elector thereof. He shall not hold any other public office or position over which Council has control within the Municipality except as otherwise provided in this Charter or by ordinance, and that of Notary Public or a member of the State Militia or Reserve Corps of the United States.

**Section 3. Removal.**

The Council shall be the judge of the election and qualifications of its own members. It may expel or remove any member for gross misconduct, malfeasance, nonfeasance, misfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or for a violation of his oath of office, or persistent failure to abide by the rules of the Council, or the absence without justifiable excuse from three consecutive regular meetings of the Council; provided, however, that such expulsion shall not take place without the concurrence of two-thirds (2/3) of the members elected to Council nor until the accused member shall have been notified in writing of the charge against him at least ten days in advance of any public hearing upon such charge, and he or his counsel has been given an opportunity to be heard, present evidence or examine any witness appearing in support of such charge.

**Section 4. Vacancies.**

Whenever the office of a Councilman shall become vacant, the vacancy shall be filled by appointment by a majority vote of all the remaining members of the Council; and if the vacancy shall not be so filled within thirty (30) days, the Mayor shall fill such vacancy by appointment. Such appointee shall hold office for the balance of the unexpired term of the member in whose office the vacancy occurs or until the beginning of the term of a successor shall be duly elected for the unexpired term as hereinafter provided. A successor duly elected for the unexpired term at the next regular municipal election if (a) such election shall occur more than two (2) years prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred more than one hundred twenty (120) days prior to such election.

**Section 5. Salaries.**

The Council shall have the power to fix its own compensation and that of each employee of the City, including officers and members of any board or commission of the City, whether elected, appointed or chosen, and to establish bond for the faithful discharge of the duties of the office. The premium on any bond required by the Council shall be paid by the City. The compensation of the Mayor and each member of the Council shall be fixed at least thirty (30) days prior to the filing date of nominating petitions for the terms beginning on the next succeeding day of January, and shall not thereafter be changed in respect to any such terms or any part thereof. The Council of the Village of Brooklyn shall, on or before August 1, 1951, fix the salaries of all elective officials assuming office January 1, 1952. The Council may authorize the payment or reimbursement of expenses incurred by any officer, employee, or member of any board or commission of the City for travel or otherwise in the interest of the City.

**Section 6. Organization.**

In January of each year, the Council shall meet in the Council Chambers and organize. At such organization meeting, or as soon as practicable thereafter, the Council shall elect one Councilman as President of Council, one Councilman as President Pro-Tem of Council, one Councilman as a member of the City Planning Commission, and one Councilman as a member of the Recreation Board, each to serve for the balance of that year and until his successor shall have been elected unless he shall cease in the meantime to be Councilman. Council shall have a minimum of three (3) Standing Committees: There shall be a Finance Committee, a Public Safety & Environmental Committee, and a Public Works Committee. Each Standing Committee shall consist of three (3) members of Council. The Council shall elect three (3) members of Council to each Committee, each to serve the balance of that year and until his successor shall have been elected unless he shall cease in the meantime to be Councilman. When a vacancy occurs in the office of President of Council, including vacancy caused by succession to the office of Mayor, the President Pro-Tem shall become the President of Council. When the President of Council is absent from the municipality, or for any reason unable to perform his duties, the President Pro-Tem shall have all the powers and be required to perform the same duties as President of Council. If both the Mayor and the President of Council shall be absent from the municipality, or for any reason unable to perform their duties, the President Pro-Tem shall become the acting Mayor and during that period shall be vested with all powers and be required to perform the same duties as Mayor.

**Section 7. Meetings.**

At its first meeting in January 1952, the Council shall determine by Ordinance the frequency, time and place of regular meetings as required by law and shall determine the method of calling special meetings. It shall be the duty of the President of Council to preside at all meetings of Council, appoint the various Council committees, and coordinate the work of the various committees appointed by him and perform such other duties as may be imposed by Council upon its presiding officer and such other duties imposed upon him by this Charter.

**Section 8. General Provisions.**

- (a) The Council shall adopt its own rules, regulations or by-laws and shall keep a journal of all its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance or resolution or motion shall be by roll call and the vote of each Councilman entered upon the journal.

- (b) All legislative action by Council shall be by ordinance or resolution introduced in written or printed form. An affirmative vote of at least a majority of the members of Council eligible to vote shall be required for the passage or enactment of every ordinance or resolution. Every ordinance or resolution shall be read at three different council meetings, provided, that this requirement may be dispensed with by a two-thirds (2/3) vote of the members eligible to vote if a written or printed copy of the ordinance or resolution shall have been furnished to each member of Council prior to its introduction. Ordinances and resolutions shall be deemed to have been read if the title thereof is fully read, provided that, at the request of at least two-thirds (2/3) of the members of Council, such ordinance shall be read in full.

No ordinance or resolution shall contain more than one subject matter, which subject shall be clearly expressed in its title, and no ordinance or resolution shall be revised or amended unless the ordinance or resolution superseding it contains a provision expressing the fact that said ordinance or resolution is a revision or amendment of a prior enacted ordinance or resolution.

- (c) Each ordinance or resolution providing for the appropriation of money or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited or specially assessed therefor and any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health, safety or welfare of the City, shall take effect, unless a later date be therein specified, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, as the case may be. No other ordinance or resolution shall become effective until after the expiration of thirty (30) days following its approval by the Mayor, as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds (2/3) of the members of Council eligible to vote for its enactment. No action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise, or rezoning ordinance, or amendment or repeal of any zoning ordinance or section thereof, or expenditure for capital improvements or expenditure for construction of public buildings shall be designated an emergency measure or enacted under a suspension of the rules adopted by Council.



## **ARTICLE IV. THE MAYOR**

### **Section 1. Term of Office.**

The Mayor shall be the Chief executive officer of the City. He shall be elected for a term of four years, assume office on the first day of January following his election and serve until his successor is elected and qualified. EACH MAYORAL CANDIDATE SHALL HAVE BEEN FOR AT LEAST THREE (3) CONSECUTIVE YEARS IMMEDIATELY PRIOR TO HIS ELECTION, and during his term of office, shall continue to be a resident of the municipality and a qualified resident of the municipality and a qualified voter thereof, and shall not hold any other public office or employment, EXCEPT AS OTHERWISE PROVIDED IN THIS CHARTER OR BY ORDINANCE, and that of Notary Public or a member of the State Militia, and shall not be interested in the profits or emoluments of any contract job, work, or service with or for the Municipality.

The Mayor shall have his office at the City Hall and shall devote his entire time during business hours, and such other time as may be necessary, to the business of the City.

During any period when the Mayor shall be absent or inaccessible or unable for any cause to perform his duties, the President of Council shall be acting Mayor and shall also continue as Councilman with all the powers and duties as Councilman. In case the office of the Mayor shall become vacant, the President of Council shall thereupon become Mayor for the unexpired term or until the beginning of the term of a successor duly elected as hereinafter provided.

### **Section 2. Judicial Powers of the Mayor.**

The Mayor shall have all the judicial powers granted generally by the laws of Ohio to Mayors of cities unless, until and to the extent that other lawful provisions shall be made for the exercise of all or any such powers.

### **Section 3. Veto Powers of the Mayor.**

Every ordinance or resolution passed by the Council shall be attested by the Clerk of Council and promptly presented to the Mayor. If the Mayor approves such legislation, he shall sign it within five days after its passage or adoption by the Council, but if he does not approve it, he shall return it to the Clerk within said five-day period together with a written statement of his objections, which objections shall be entered in full by the Clerk in the journal of the Council. The Mayor may approve or disapprove the whole or any part or item of an ordinance appropriating money,

but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor shall not sign or veto an ordinance or resolution within the period specified, it shall take effect in the same manner as if he had signed it on the last day of the said five-day period. Following the disapproval by the Mayor of an ordinance or resolution, or part or item thereof as herein provided, the Council shall, but not later than its next regular meeting, reconsider the legislation vetoed by the Mayor, and if such legislation shall then be approved by the affirmative vote of at least two-thirds (2/3) of the members of Council, it shall become effective notwithstanding the veto of the Mayor.

#### **Section 4. Election of Successor in Case of Vacancy.**

In case the office of the Mayor shall become vacant, a successor for the unexpired term shall be elected as Mayor at the next regular municipal election, provided that (a) such election shall occur more than two years prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred more than one hundred twenty (120) days prior to such election. A President of Council who has become Mayor pursuant to Section 1 of the above may be a candidate to succeed himself.

#### **Section 5. Executive Powers of Mayor.**

The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs and shall exercise control over all departments and divisions. The Mayor may, however, introduce ordinances and resolutions and take part in the discussion of all matters coming before the Council. He shall be the chief conservator of the peace within the City and shall cause all laws and ordinances to be enforced therein. He shall be responsible for the preparation and submission of the annual estimate of receipts and expenditures, and of appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall cause all terms and conditions imposed in favor of the City or its inhabitants in any franchise or contract to which the City is a party to be faithfully kept and performed. Subject to the other provisions of this Charter and the laws of Ohio, the Mayor shall have the power to appoint, promote, transfer, reduce or remove any officer or employee of the City except (a) those required by this Charter to be elected, or (b) those whose terms of office are fixed by this Charter. The Director of Law, Director of Finance, the Director of Public Safety, and all officers appointed under the appointive provisions of this Charter, may be removed by the Mayor, subject to approval of the Council. The Mayor shall execute, on behalf of the City, all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party. He shall have the custody of the seal of the City and may affix it to all the above mentioned instruments, but the absence of the seal shall not affect the validity of any such instrument. The Mayor shall be recognized as the official and ceremonial head of the City Government by the Governor for military purposes and by the Courts for the purpose of serving civil processes.

**ARTICLE V.****ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS****Section 1. (a) General Provisions.**

The City shall have a Department of Law, a Department of Finance, a Department of Public Safety (Police and Fire Department), a Department of Public Service, Civil Service Commission, Planning Commission and Zoning Board of Appeals, and such other departments, divisions and offices as may be established by Council.

**Section 1. (b) Required Residency.**

Except as in this Charter otherwise provided, or as Council may specifically otherwise provide, every officer and employee of the City of Brooklyn must be a resident of the City of Brooklyn.

**Section 2. Director of Law.**

The Director of Law shall be the head of the Department of Law and shall be appointed by the Mayor, subject to confirmation by the Council. The Director of Law need not be a resident of the City of Brooklyn. He shall serve the Mayor, the Council, the administrative Departments, and the officers, boards and commissions of the City as legal counsel in connection with municipal affairs, and, subject to the direction of the Mayor, shall represent the City in all proceedings in Court or before any administrative board. He shall perform all other duties now or hereafter imposed upon City Solicitors under the laws of Ohio unless otherwise provided by ordinance of the Council, and he shall perform such other duties consistent with his office as the Mayor or the Council may request. No person shall act as Director of Law unless duly admitted to practice law in the State of Ohio.

**(a) Magistrate.**

That there shall be a Magistrate appointed by the Mayor and confirmed by Council to hear and determine prosecutions and criminal cases in the Mayor's Court that are within the jurisdiction of the Mayor's Court. No person shall be appointed as a Mayor's Court Magistrate unless the person has been admitted to the practice of law in this state for a total of at least three (3) years preceding his appointment or the commencement of his services as Magistrate, has been engaged in the practice of law in this state or served as a judge of a court of record in any jurisdiction in the United States or both.

**(b) Prosecutor.**

That there shall be a Prosecutor appointed by the Mayor and confirmed by Council. No person shall be appointed as a Prosecutor unless the person has been admitted to the practice of law in this state for a total of at least three (3) years preceding his appointment. The Prosecutor shall perform all duties now or hereinafter imposed upon City Prosecutors by the General Laws of Ohio.

**Section 3. Director of Finance.**

The Director of Finance shall be the head of the Department of Finance and fiscal officer of the City. He shall be appointed by the Mayor subject to confirmation by the Council. He shall serve the Mayor and the Council as financial advisor in connection with municipal affairs, and he shall act as Clerk of the Council, as Secretary of the Planning Commission, and as Secretary of the Civil Service Commission. In such capacities, he shall keep the records of all said bodies, and shall authenticate all records, documents and instruments of the City on which authentication is proper. The Director of Finance shall examine all payrolls, bills and other claims against the City and shall issue no warrant unless he shall find that the claim is in proper form, correctly computed and duly approved, that it is due and payable and that an appropriation has been made therefor; and he shall perform such other duties consistent with his office as the Mayor or the Council may request.

**Section 4. Civil Service Commission.**

The Civil Service Commission shall consist of three electors of the municipality not holding other municipal office or appointment, to be appointed by the Mayor, with the concurrence of a majority of the members elected to Council, for terms of six years each, commencing on January 25<sup>th</sup> of such year, except that one of the three electors first appointed shall be designated by the Mayor to serve for a term of two years and one for a term of four years. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

**Section 5. Duties of the Civil Service Commission.**

The Civil Service Commission shall be the sole authority under this Charter to determine the grade and classification of positions as to duties and responsibilities in all branches of the classified civil service and shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of the City as required by the Constitution of Ohio, and for appeals from the action of the Mayor or Director of Public Safety, in any case of transfer, reduction or removal. In cases where an appeal is made by a City employee who is covered under a Collective Bargaining agreement, such employee must adhere to the Appeal Process as defined by the agreement. The action of the Commission on any such appeal shall be final except as

otherwise provided by the laws of Ohio. Civil Service examinations shall not be required for the appointment of any member of a board or commission, or any head of a department, or any assistant to the Director of Law, or to the Director of Finance, or any Secretary to the Mayor or to the head of any department, or for the appointment to any other office or position requiring peculiar and exceptional qualifications. Any person wishing to take a Civil Service examination, and who qualifies under the laws of the State of Ohio and the Rules of the Brooklyn Civil Service Commission, may be eligible to take said examination. Any person who is serving in the capacity of a full time policeman or fireman as of the effective date of the Charter shall be retained in the same capacity without examination.

#### **Section 6. Duties of the Director of Public Safety.**

The City shall maintain a police force and a fire force, and the Director of Public Safety shall be the executive head under the direction of the Mayor of the Division of Police, Division of Fire, Division of Building Engineering and Inspection, and the Division of Health. He shall be appointed by the Mayor, subject to confirmation by the Council, and shall make all necessary rules and regulations for the government of this department and the several divisions thereof; and he shall be charged with the duty of enforcing all police, health, safety and sanitary regulations that may be prescribed by ordinances or rules of the municipality or the general laws of the State of Ohio.

The police force shall consist of a chief and such other officers, patrolmen and employees as may be provided by ordinance or resolution of the Council. The Chief of Police shall be appointed by the Mayor from the Division of Police or he shall have had training and experience in law enforcement and he shall serve at the pleasure of the Mayor. Upon the termination of his service as Chief of Police, he shall, if appointed from the division of Police, revert to the civil service status held by him at the time of his appointment. The Chief of Police shall have exclusive control of the stationing and transfer of patrolmen and other officers and employees constituting the police force, under such rules and regulations as may be established by the Mayor or by the Director of the department to whom the said Chief of Police may be immediately responsible.

The fire force shall consist of a chief and such other officers, firemen and employees as may be provided by ordinance or resolution of the Council. The Fire Chief shall be appointed by the Mayor from the Division of Fire or he shall have had training and experience in fire fighting and he shall serve at the pleasure of the Mayor. Upon the termination of his service as Fire Chief, he shall, if appointed from the Division of Fire, revert to the civil service status held by him at the time of his appointment. The Fire Chief shall have exclusive control of the stationing and transfer of firemen and other officers and employees constituting the fire force, under such rules and regulations as may be established by the Mayor or by the director of the department to whom the said Fire Chief may be immediately responsible.

No appointment of a chief of a department or of a division of police or fire shall be effective unless and until the same receives the concurrence of majority of the members elected to Council.

#### **Section 7. City Planning Commission.**

The City Planning Commission shall consist of the Mayor, one member of the Council to be appointed by the Council, and three electors of the City, not holding other municipal office, to be appointed by the Mayor and confirmed by the Council. The members of the Commission shall receive no compensation. The terms of the present members of the Planning Commission other than the Mayor and the Councilman shall terminate on December 31, 1951, and their successors shall be appointed by the Mayor for a term of six years, except that, of the three appointed for the term beginning January 1, 1952, one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years. A vacancy occurring during the term of any member of the City Planning Commission shall be filled for the unexpired term in the manner authorized by an original appointment.

#### **Section 8. (a) Powers and Duties of the Planning Commission.**

It shall be the function and duty of the Planning Commission to act as the platting commissioners of the municipality and as such shall have control of planning and shall provide regulations covering the platting of all lands within the municipality so as to secure the harmonious development and provide for coordination of streets with other streets and with the official municipal plan, and to provide for open spaces for traffic, utilities, access or fire fighting apparatus, recreation, light and air and for the avoidance of congestion of population. It shall make such regulations as it deems necessary as to the manner in which streets and other public ways shall be graded and improved, the manner in which and the extent to which water, sewer and other utility mains, piping or other facilities shall be installed, or establish any other conditions precedent to the approval of a proposed plat. The Commission shall make plans and maps of the whole or any portion of the municipality and any land outside the municipality which in the opinion of the Commission, bears a relation to the planning of the municipality, and to make changes in, additions to, and estimates of such plans of maps when it deems the same advisable. It shall have such powers as may be conferred on it by ordinance of the Council concerning the plan, design, location, removal, relocation and alteration of any public building or structure or those located on public streets or property, the location, relocation, widening, extension and vacation of streets; parkways, playgrounds and other public places, the zoning and rezoning of the municipality for any lawful purpose, subject to approval of Council and provisions as required by Zoning Ordinance of the municipality, and such other powers as now or may hereafter be conferred upon it by ordinance of the Council or the general laws of Ohio.

**Section 8. (b) Mandatory Referral to Electors.**

Whenever a proposed zoning or rezoning measure, other than for a single family residential use, is approved by the Planning Commission and the Council, as provided by this Charter, the City Council upon its approval shall submit the same to the electorate at the next general election or at a special election within ninety (90) days of Council's approval. In the event Council designates the election thereon be at the next general election, any applicant may petition Council to call a special election for submission of said issue, but only after agreeing to assume all costs of the special election including advertising and further provided that the applicant posts satisfactory security with the Director of Finance in an amount estimated by said Director to be the costs associated with the presentment of said issue to the electors.

Notice of the election for the required land use change shall be published in at least two (2) newspapers of general circulation three (3) separate times prior to the election, the first notice shall appear not less than five (5) weeks prior to said election, and the last at least ten (10) days prior thereto is mandatory for the zoning or rezoning to pass.

**Section 9. (a) Board of Zoning Appeals.**

There shall be a Board of Zoning Appeals composed of five (5) members appointed by the Mayor, confirmed by Council. The members of the Board shall be appointed for a term of five years each. The Mayor may remove any member for cause and vacancies shall be filled for the unexpired term in the manner authorized for an original appointment. The Chairman of the Board shall be appointed by the members thereof. The Planning Commission shall furnish the necessary technical advise and services required by the Board.

**Section 9. (b) Jurisdiction of Board of Zoning Appeals.**

It shall be the duty of the Board of Zoning Appeals to hear and decide appeals for exceptions to and variations in the application of ordinances governing zoning in the City of Brooklyn in conformity with the purpose and intent thereof and to hear and decide all appeals made for exceptions to and variations in the application of ordinances or orders for regulations of administrative officials or agencies.

**Section 10. Recreation Board.**

Membership. The Recreation Board shall consist of five (5) members, who shall each serve for a term of three years or until their successors are appointed. The Brooklyn Board of Education shall appoint one of its members and the Council of Brooklyn shall appoint one of its members to said Board. The Mayor shall appoint three members, which appointments shall be approved by the Council. A vacancy occurring during the term of any member of the Recreation Board shall be filled for the unexpired term in the manner authorized for an original appointment.

**ARTICLE VI.**

**PROCEDURE FOR NOMINATIONS AND ELECTIONS**

Nominations for elective offices of the City shall be made only by petitions, signed by qualified electors of the City not less in number than 3% of the number voting at the last preceding November election, and shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by separate petition. No primary election shall be held for the selection of any candidate for any elective office of the City; and no nomination for any such office shall be of any effect unless made as required by this Section. The ballot used in the election of officers of the City shall be without party mark or designation. The names of all candidates for any City office shall be placed upon the same ballot and shall be rotated in the manner provided by the laws of Ohio. Except as otherwise provided in this Charter, the laws of Ohio shall govern the nomination and election of elective officers of this City.

**ARTICLE VII.**

**INITIATIVE, REFERENDUM, AND RECALL**

**Section 1. Initiative and Referendum.**

Ordinances and other measures may be proposed by initiative petition and adopted by election, and ordinances and other measures adopted by Council shall be subject to referendum, to the extent and in the manner now or hereafter provided by the Constitution or laws of Ohio.



**Section 2. Recall.**

The electors shall have the power to remove from office by a recall election any elected officer of the City. If an elected officer shall have served six months of his term, a petition demanding his removal may be filed with the Clerk of the Council who shall note thereon and deliver to such person a receipt therefore and attach a copy thereof to said petition, the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred words of the grounds for the removal. Such petitions shall be signed by at least that number of electors which equals 25% of the electors voting at the last preceding November election. Within ten days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements thereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition with him, and make a record of such delivery. Such person shall be allowed a period of twenty days after the day on which such delivery was made in which to make the petitions sufficient. If the Clerk shall find the petition sufficient, he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty days nor more than seventy-five days after date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the officer)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

**ARTICLE VIII.****Section 1. Contracts and Fiscal Matters.**

The laws of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters of the municipality shall be applicable to this City except as modified by or necessarily inconsistent with the provisions of this Charter.

**Section 2. Limitations on Rate of Taxation.**

The aggregate amount of taxes that may be levied by the taxing authority of the City without a vote of the people, on any taxable property assessed and listed for taxation according to value, for all purposes of the City, shall not in any one year exceed twelve (12) mills for each dollar of assessed valuation. Of said total maximum levy, an amount shall annually be levied sufficient to pay the interest, sinking fund and retirement charges on all notes and bonds of the municipality heretofore or hereafter authorized to be issued without the authority of the electors, which levy shall be placed before and in preference to all other levies and for the full amount thereof. Of the remaining portion of said total maximum levy, an amount shall annually be levied sufficient to provide the amounts required by law for police and firemen's pensions; and the balance thereof, but not to exceed six (6.0) mills, may be levied annually for the purpose of paying the current operating expenses of the City. In addition to the aforesaid twelve (12) mill levy, the taxing authority of the City may, without a vote of the people, levy a tax for street lighting purposes not be exceed one (1) mill for each dollar of assessed valuation on all taxable property assessed and listed for taxation according to value.

**ARTICLE IX.****FRANCHISES**

The Council may by ordinance grant a non-exclusive franchise to any person, firm or corporation to construct or operate a public utility on, under, or above any public street or real estate within the City for a period not in excess of twenty-five years; and it may prescribe in the ordinance the kind of quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as it shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established herein for original grants. No consent of the owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public real estate as shall, in the opinion of Council, be necessary in the public interest.

**ARTICLE X.****AMENDMENTS TO CHARTER**

The Council may, by the affirmative vote of at least two-thirds (2/3) of its members, submit any proposed amendment to this Charter to the electors; and, upon receipt of a petition signed by not less than 10% of the qualified electors of the City setting forth any proposed amendment to the Charter, it shall submit such proposed amendment to the electors. The Council shall determine the manner of the submission of any proposed amendment to the electors to the extent that such submission is not governed by the Constitution and laws of Ohio. If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.

**ARTICLE X-A.****CHARTER REVIEW COMMISSION**

In January, 1981, and every sixth (6<sup>th</sup>) year thereafter, a Charter Review Commission, consisting of nine (9) electors of the City of Brooklyn holding no other office or appointment in the City, shall be appointed. The membership of the Charter Review Commission shall be comprised of two (2) members appointed by the Mayor, and one (1) member appointed by each member of Council. Such Commission shall review and recommend to Council not less than ninety (90) days prior to the next November election any alterations, revisions, and amendments to this Charter as in its judgment seem advisable. The Council shall submit to the electors any such proposed alterations, revisions or amendments to the Charter at the next regular November election. Each said Charter Review Commission shall cease to function on the day of the next November election. The members shall serve without compensation unless otherwise provided by Ordinance.

**ARTICLE XI.****MISCELLANEOUS****Section 1. Effective Date of this Charter.**

For the purpose of nominating and electing officers of the City and fixing compensation of those elected in 1951, this Charter shall be in effect from and after the date of its approval by the electors of the City; and for all other purposes the Charter shall be in effect on and after the first day of January, 1952.

**Section 2. Saving Clause.**

The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon the part declared valid.

**Section 3. Effect of Charter Upon Existing Laws, Ordinances and/or Rights.**

The Charter shall not affect any vested rights or accrued liabilities of the municipality of Brooklyn, nor any right or liability in any pending suit or prosecution either on behalf of or against the municipality, nor any contract heretofore entered into by the municipality, nor any franchise heretofore granted by the municipality, nor any prior or pending proceeding for the authorization of public improvement or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the municipality in effect December 31, 1951 shall continue thereafter in effect until lawfully amended or repealed.

May 2, 1951.

The Charter Commission of Brooklyn, Ohio, elected November 7, 1950, has framed the foregoing Charter, and has fixed June 19, 1951 as the time of the election at which said Charter shall be submitted to the electors of the municipality.